

# MORRISON MAHONEY LLP

COUNSELLORS AT LAW

Gary W. Harvey  
Direct Phone: 617-439-7576  
Direct Fax: 617-342-4875  
gharvey@morrisonmahoney.com

250 SUMMER STREET  
BOSTON, MASSACHUSETTS 02210-1181  
617-439-7500

MASSACHUSETTS BOSTON FALL RIVER SPRINGFIELD WORCESTER CONNECTICUT HARTFORD ENGLAND LONDON	NEW HAMPSHIRE MANCHESTER NEW JERSEY PARSIPPANY NEW YORK NEW YORK RHODE ISLAND PROVIDENCE
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January 17, 2006

## VIA ELECTRONIC FILING

The Honorable Patti B. Saris  
United States District Court for  
the District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
One Courthouse Way  
Boston, MA 02210

### **Consolidated Civil Action No. 05-cv-10155PBS**

**Re: Yisel Dean, Independent Administratrix of the Estate of Steven Dean**  
**Vs. Raytheon Company, a Delaware Corporation, et al**  
**United States District Court for the District of Massachusetts**  
**Docket No.: 05cv10155 PBS**

**Re: Lisa A. Weiler, Administratrix of the Estate of Scott A. Knabe**  
**Vs. Raytheon Company, a Delaware Corporation, et al**  
**United States District Court for the District of Massachusetts**  
**Docket No.: 05cv10364 PBS**

**Our File No: 10017877**

Dear Judge Saris:

On January 13, 2006, Raytheon's local counsel, Gary W. Harvey of Morrison Mahoney LLP, electronically filed Raytheon's Motion for a Protective Order (document No. 62). As part of that filing, Raytheon also filed with the Court Raytheon's Certification of Consultation in accordance with Local Rule 7.1 (document No. 63). Raytheon's motion was styled as an "emergency motion" due to the fact that the plaintiffs were seeking multiple depositions of present and former Raytheon employees which Raytheon believes are neither timely nor in compliance with the Rules or the Court's prior orders. The plaintiffs were intending to commence these multiple depositions on January 17, 2006, immediately following the Martin

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Luther King holiday, and Raytheon felt it necessary to bar such depositions for the reasons more fully explained in its Motion for a Protective Order.

At the time that Attorney Harvey filed Raytheon's Motion and Certification, he was under the incorrect impression that lead counsel for Raytheon, or his associate, had been able to confer with plaintiffs' counsel about the discovery disputes before filing. Attorney Harvey's assumption proved to be incorrect, as co-counsel had thought Attorney Harvey was conferring with plaintiffs' counsel. As a result, due to mistake and innocent inadvertence, when Raytheon's electronically-filed Motion for a Protective Order was filed with the Court, no counsel for Raytheon had yet discussed the issues raised in Raytheon's Motion with counsel for the plaintiffs. Attorney Harvey apologizes for this error. This mistake was discovered late in the evening of January 13, 2006, at which time Attorney Harvey sent an e-mail to plaintiffs' counsel asking the same to contact Attorney Harvey at one of three different telephone numbers. Unfortunately, the message to plaintiffs' counsel was not received until Sunday, January 15, 2006, after plaintiffs' counsel had returned to the United States. On Monday, January 16, 2006, lead counsel for Raytheon and the plaintiffs' counsel conferred. The parties are exchanging letters and may yet resolve some matters, but the bulk of the issues raised in Raytheon's Motion for a Protective Order will still remain, and the parties will require this Court's assistance in resolving them before the close of discovery at the end of the month.

Very truly yours,

/s/ Gary W. Harvey  
Gary W. Harvey

GWH/ll

cc: Mary Schiavo, Esquire  
Robert McConnell, Esquire  
Motley Rice LLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 17, 2006, a true copy of the above document was served upon each counsel of record electronically through filing with the ECF system.

/s/ Gary W. Harvey

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Gary W. Harvey